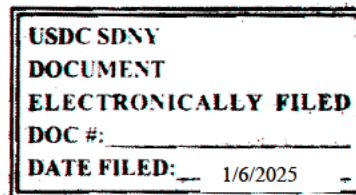


**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**



-----X

**MARIANA MOTA, et al.,**

**Plaintiffs,**

**22-CV-02807 (SN)**

**-against-**

**ORDER**

**ARMELLINI EXPRESS LINES, et al.,**

**Defendants.**

-----X

**SARAH NETBURN, United States Magistrate Judge:**


Plaintiffs filed a motion for summary judgment as to liability and to strike certain defenses, and a motion to preclude the testimony of Daniel Hue on the question of liability based on Hue's failure to appear at his deposition. The Defendants do not oppose these motions.

Accordingly, judgment on liability is granted in Plaintiffs' favor, and Defendants' affirmative defenses sounding in "comparative fault" contained within the Defendants' Answer filed in Supreme Court, Bronx County on September 24, 2021, are dismissed including the 1st, 3rd, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, and 22nd Affirmative Defenses of Defendants' Answer.

Daniel Hue is precluded from testifying at trial on the question of liability. Because the Plaintiffs moved to preclude his testimony only as to liability, and not as to damages, the Court defers a ruling on whether his failure to appear at deposition should preclude any testimony at trial. Plaintiffs may seek such relief by motion *in limine* before trial.

The Clerk of Court is directed to GRANT the motions at ECF No. 49.

**SO ORDERED.**

  
\_\_\_\_\_  
SARAH NETBURN  
United States Magistrate Judge

DATED: January 6, 2025  
New York, New York